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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/522,185	03/09/2000	Henry Li	36713/CAG/B600	2282

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EXAMINER

VINCENT, DAVID ROBERT

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/522,185

Applicant(s)

LI ET AL.

Examiner

David R. Vincent

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-12,26,38-49,74 and 91 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-12,26,38-49,74 and 91 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/19/02</u> . | 6) <input type="checkbox"/> Other: _____ |

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Response to Arguments

1. Applicant's arguments with respect to claims 1, 3-12, 26, 38-49, 74, 91 have been considered but are moot in view of the new ground(s) of rejection.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 26, 38-48, 74, 91 are rejected under 35 U.S.C. 102(e) as being anticipated by Arimilli (US 6,515,984).

As shown in e.g., Figs, 3-6C, 11-19, Arimilli discloses voice exchange for exchanging voice signals between a network

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line and a packet based network (voice data going from e.g., voice/fax channel to packet network 313, Fig. 3, 4A, 5A; bidirectional voice, Fig. 6C), full duplex data exchanging (using HDLC, Arimilli: col. 6, lines 9-24 which is a full duplex protocol; real time bidirectional data, Figs. 5-6), demodulating data (such as fax data) or data that was modulated using a voice band carrier (pumping out data from fax demodulator, cols. 23-24; col. 4, lines 46-65; demodulating from analog carrier, col. 7, lines 1-10; col. 22, line 65-col. 24, line 14), a call discriminator (e.g., col. 9, lines 59-66; col. 10, lines 15-19), jitter buffer (does not specifically disclose but implies using since Arimilli discloses "speech sounds natural", col. 13, line 29-col. 14, line 14, especially col. 14, line 4), outputting isochronous stream (real time data, e.g., col. 12, lines 1-3; col. 14, lines 10-14), a plurality of signals and formats (receiving and transmitting at least voice and fax from and to both analog PSTN and digital leased lines, e.g., Fig. 6C and respective disclosure), a first device being a DTMF telephone (RX from PSTN, Fig. 6C); detecting inputs or formats (col. 7, lines 47-58; col. 9, lines 59-67; col. 23, lines 40-64); encoding voice data (col. 4, lines 46-65; col. 7, lines 11-27; col. 12, lines 43-49; col. 14, lines 15-65); receiving from DTMF circuit switched PSTN (col. 8); PCM data (col. 11, lines 50-67;

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col. 14, lines 54-65); fax (e.g., col. 8); using computer readable devices (e.g., col. 9); data pump or demodulating fax data or data that was modulated using a voice band carrier (pumping out data from fax demodulator, cols. 23-24; col. 4, lines 46-65; demodulating from analog carrier, col. 7, lines 1-10; col. 32, line 65-col. 24, line 14); selectively outputting both the demodulated fax data and the encoded voice data (e.g., Figs. 2, 15-19; or col. 4, lines 30-46; outputting to digital leased lines, col. 5, lines 9-13; col. 6, lines 9-14; composite link, 315; muxing sporadic activity, col. 5, lines 40-51), decoding from packet network (Fig. 6A, col. 7, lines 30-47; input/output, 602, Fig. 6A; A/D and D/A, bi-directional, Fig. 6C; col. 6, lines 55-59), using packets (col. 5, lines 40-51); using packet data networks (col. 9, lines 15-47, especially line 39; DDS network, Fig. 6B); buffering data (col. 6, lines 30-47; 604, Fig. 6A; 402, Fig. 6C; col. 14, lines 40-53); echo cancellation (cols. 10-12, 15), rates and synchs (e.g., cols. 11-12, 15, 19-20), silence suppression, spoof data/muting (col. 20), voice activity detection (col. 12, lines 4-11; col. 20, lines 10-25; 1205, Fig. 12; col. 15, line 49-col. 16, line 59), using packets and frames (Figs. 15-19; col. 6, lines 9-65), digital data/packet network (DDN, col. 9, lines 34-39), as specified in claims in 26, 38-48, 74, 91.

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Response to Amendment

The applicant argues the newly added limitation of detecting presence of modulated or voice-band data by detecting a predetermined tone.

In response, Arimilli discloses the newly added limitation of detecting presence of modulated or voice-band data by detecting a predetermined tone (e.g., col. 10, lines 8-19).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3-12, 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arimilli (US 6,515, 984), as set forth above, in view of Wu (US 6,002,722).

However, Arimilli fails to particularly call for the newly added limitation of using codes to negotiate the modem rates, as specified in claim 1 and 49.

Wu teaches using codes to negotiate the modem rates (abstract; DSL modem connected to packet network/Internet, col.

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6, lines 26-44; col. 14, lines 54-67; col. 16, lines 19-29; **col. 26, lines 47-65**), as specified in claim 1 and 49.

It would have been obvious to use codes to negotiate the modem rates because it is notoriously well for two modems to communicate over packet networks and to compensate for noise, synchronization issues and/or rate differences. Putting the codes into packets the way Wu does merely makes it more clear that codes are being sent over a packet network. Doing so allows for the modems to communicate over various packet networks, and Arimilli discloses dealing with various rates (Arimilli: e.g., cols. 11-12, 15, 19-20).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will

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expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David R. Vincent whose telephone number is 571 272 3080. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached on 571 272 6799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAVID VINCENT
PRIMARY EXAMINER

4/23/05
David Vincent